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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,162	03/07/2002	Yoshihiro Sowa	14875-008001/C1-101PCT-US	4957

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EXAMINER

GODDARD, LAURA B

ART UNIT	PAPER NUMBER
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1642

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/937,162	SOWA ET AL.	
	Examiner	Art Unit	
	Laura B. Goddard, Ph.D.	1642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/7/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 6-24 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claims 6 drawn to identification of an agent alone, 7, 8-in-part drawn to GAL4, 9-in-part drawn to luciferase, 10-in-part drawn to luciferase, 11-17, 21-24.

Group 2, claims 6 drawn to identification of an agent alone, 7, 8-in-part drawn to GAL4, 9-in-part drawn to chloramphenicol acetyltransferase, 10-in-part drawn to chloramphenicol acetyltransferase, 11-17, 21-24.

Group 3, claims 6 drawn to identification of an agent alone, 7, 8-in-part drawn to GAL4, 9-in-part drawn to beta-galactosidase, 10-in-part drawn to beta-galactosidase, 11-17, 21-24.

Group 4, claims 6 drawn to identification of an agent alone, 7, 8-in-part drawn to GAL4, 9-in-part drawn to human growth hormone, 10-in-part drawn to human growth hormone, 11-17, 21-24.

Group 5, claims 6 drawn to identification of an agent alone, 7, 8-in-part drawn to GAL4, 9-in-part drawn to secreted alkaline phosphatase, 10-in-part drawn to secreted alkaline phosphatase, 11-17, 21-24.

Group 6, claims 6 drawn to identification of an agent alone, 7, 8-in-part drawn to LEXA, 9-in-part drawn to luciferase, 10-in-part drawn to luciferase, 11-17, 21-24.

Group 7, claims 6 drawn to identification of an agent alone, 7, 8-in-part drawn to LEXA, 9-in-part drawn to chloramphenicol acetyltransferase, 10-in-part drawn to chloramphenicol acetyltransferase, 11-17, 21-24.

Group 8, claims 6 drawn to identification of an agent alone, 7, 8-in-part drawn to LEXA, 9-in-part drawn to beta-galactosidase, 10-in-part drawn to beta-galactosidase, 11-17, 21-24.

Group 9, claims 6 drawn to identification of an agent alone, 7, 8-in-part drawn to LEXA, 9-in-part drawn to human growth hormone, 10-in-part drawn to human growth hormone, 11-17, 21-24.

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Group 10, claims 6 drawn to identification of an agent alone, 7, 8-in-part drawn to LEXA, 9-in-part drawn to secreted alkaline phosphatase, 10-in-part drawn to secreted alkaline phosphatase, 11-17, 21-24.

Group 11, claims 6 drawn to identification of an agent alone, 7, 8-in-part drawn to tetracycline repressor, 9-in-part drawn to luciferase, 10-in-part drawn to luciferase, 11-17, 21-24.

Group 12, claims 6 drawn to identification of an agent alone, 7, 8-in-part drawn to tetracycline repressor, 9-in-part drawn to chloramphenicol acetyltransferase, 10-in-part drawn to chloramphenicol acetyltransferase, 11-17, 21-24.

Group 13, claims 6 drawn to identification of an agent alone, 7, 8-in-part drawn to tetracycline repressor, 9-in-part drawn to beta-galactosidase, 10-in-part drawn to beta-galactosidase, 11-17, 21-24.

Group 14, claims 6 drawn to identification of an agent alone, 7, 8-in-part drawn to tetracycline repressor, 9-in-part drawn to human growth hormone, 10-in-part drawn to human growth hormone, 11-17, 21-24.

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Group 15, claims 6 drawn to identification of an agent alone, 7, 8-in-part drawn to tetracycline repressor, 9-in-part drawn to secreted alkaline phosphatase, 10-in-part drawn to secreted alkaline phosphatase, 11-17, 21-24.

Group 16, Claims 6-in-part drawn to a method of identification of an agent alone and further comprising evaluating the selected test agent for anticancer activity, claim 18-in-part drawn to in vitro activity, claim 19.

Group 17, Claims 6-in-part drawn to a method of identification of an agent alone and further comprising evaluating the selected test agent for anticancer activity, claim 18-in-part drawn to in vivo activity, claim 20.

3. The inventions are distinct, each from the other because of the following reasons:

A national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept. An application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

(1) a product and a process specially adapted for the manufacture of said product; or

(2) a product and a process of use of said product; or

(3) a product, a process specially adapted for the manufacture of the said product, and a use of the said product; or

(4) a process and an apparatus or means specifically designed for carrying out the said process; or

(5) a product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process.

Thus, if multiple products, processes of manufacture or uses are claimed, the first invention of the category first mentioned in the claims of the application will be considered as the main invention in the claims, see PCT article 17(3) (a) and 1.476 (c), 37 C.F.R. 1.475(d) and the other inventions will be broken out as separate inventions.

The inventions of Groups 1- 16 are not considered to be so linked as to form a single general inventive concept because all of the Groups are drawn to methods which are distinct because each method uses different reagents or has different objectives.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Goddard, Ph.D. whose telephone number is (571) 272-8788. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on 571-272-0787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laura B Goddard, Ph.D.
Examiner
Art Unit 1642

SUSAN UNGAR, PH.D.
PRIMARY EXAMINER

